

REGULAR MEETING
WEDNESDAY 7:00 P.M. SEPTEMBER 1, 2010

This Regular Meeting of Council was called to order on the above-stated date at the above-stated time after the Pledge of Allegiance and a Moment of Silence by President of Council Regis McLaughlin with the following Members of Council present:

Reverend Debbie Kosovan from the First United Methodist Church in McKeesport led the prayer.

RC-1 PRESENT: ALFRED TEDESCO, JR., FAWN WALKER, RICHARD DELLAPENNA, REGIS McLAUGHLIN, MICHAEL CHEREPKO, DARRYL SEGINA, LORETTA DIGGS

Also present were Mayor James Brewster, City Administrator Dennis Pittman, City Solicitor J. Jason Elash, and members of the Administration.

APPROVAL OF MINUTES:

MOTION: Mr. Segina moved, seconded by Mr. Cherepko, "To approve the minutes for the Regular Meeting of July 7, 2010."

RC-2 YEAS: TEDESCO, WALKER, DELLAPENNA, McLAUGHLIN, CHEREPKO, SEGINA, DIGGS 7

NAYS: NONE..... 0

- Mr. McLaughlin said before they get on with the rest of the agenda, they have a gentleman in the audience who is the new Executive Director of the Chamber of Commerce and he would like to come up and say a few words. He asked him to come up, introduce himself and say a few words.

- Mr. Maury Burgwin introduced himself as the President of the Regional Chamber Alliance in the McKeesport Region. He said they are a consortium of Chamber of Commerce that represent the Mon Valley. He said their area coverage basically goes from Elizabeth all the way downstream on the Monongahela on both sides of the river to Homestead. He said they represent over 34 communities and he is very proud to be there as the new Director. He said he is thrilled about the opportunities that they are creating. He said in the near future they have a number of exciting announcements that will be coming along the way. He said they are in the early stages and they now have 17 commitments for new members. He said they also have other exciting news that will be announced in the next couple of weeks. He said they are hosting the Power of 32 meeting on September 16 at the McKee's Café. He said the Power of 32 is the 32 Counties within a two-hour drive of the Pittsburgh Airport. He said McKeesport is one of the few targeted communities in this visioning process and it is a very exciting process. He said he and Dennis Pittman have been working together on the logistics. He said that will be happening at the McKee's Café. He said he has flyers to hand out so that people are aware of the meeting. He said other than that, it is a great pleasure to be in the Mon Valley and he is very excited about the opportunities that they are going to be creating moving forward. He said he looks forward to working with all of them.
- Mr. McLaughlin said thank you and they look forward to working with him. He said also in the audience they have some gentlemen with the Pennsylvania State Mayor's Association. He asked the people to come up when he introduces them: Whitehall Mayor James Nowack, President of the Pennsylvania State Mayor's Association; Mayor Keith Moss, Head of the Committee that chose the PA Mayor of the Year and his wife,

Patricia Moss; and Regina Virgily, former Bethel Park Mayor.

- Mayor Nowack said good evening members of Council, employees of McKeesport and people of McKeesport. He said as the Council President said he is Jim Nowack and he is the very proud President of the Pennsylvania State Mayor's Association. He said the Pennsylvania State Mayor's Association is an association of mayor's by mayors and for mayors. He said they have mayors who are City mayors, who are borough mayors and some who are home rule township mayors as well. He said there is one town in Pennsylvania, the town of Bloomsberg, and there is a Mayor there. He said every year at their annual conference, they give a Mayor of the Year award and it is the most prestigious and coveted award that they can give. He said they wanted their committee to be well represented. He said there are six regions in Pennsylvania. Each region is represented by a Mayor on the committee and they receive the nominations, deliberate by telephone, and select a Mayor of the Year. He said this year the committee has selected Mayor Jim Brewster as their Mayor of the Year. He said to show what an honor it is, it is a tradition that they come to the municipality and actually present the award. He said they appreciate being able to be there tonight. He said to show them what an honor it is, Keith Moss has driven from Lucerne County, Duryea Borough all the way to make the presentation, so he is going to turn the microphone over to him.
- Mr. Moss said thank you. He said it is an honor to be here in McKeesport and it is a nice little town from what he sees of it. He said back home they have Wilkes-Barre and Scranton and Duryea is right in the middle of the two. He said he would like to thank the

members of the committee of Mayor of the Year. He said the members are Alexander Bennett from Baldwin Borough, Ronald Harris from Terrell Valley Borough, Sonya Hopkins from Oil City, himself from Duryea Borough, Fred Moyer from Freezensburg Borough and Dave Earner from Royersburg Borough. He said he would like to read a little thing that Annette James had sent in to the Mayor of the Year. He said it was a very tough decision and the honor went to Mayor Jim Brewster. He said Ms. James wrote that Mayor Brewster was

"a 1966 graduate of McKeesport Area High School, a 1969 graduate of the Allegheny County Community College and a 1972 graduate of California State College. James Brewster is the perfect candidate for Mayor of the Year. In his term served as Mayor of McKeesport, some of his greatest accomplishments included, but are not limited to, bringing over \$27 million of funding for various projects by working with the County, State and Federal government officials and making McKeesport a destination point as the leading community in the Mon Valley, establishing Olympic Corner in Renziehausen Park recognizing McKeesport's Swin Cash and Rick Krivda who won Gold Medals in the Olympics in their respective sports, starting a young men's basketball program at the Salvation Army, starting the Toys for Tots Program with the Optimist Club, developing the Palisades and McKees Point Marina as well as being involved with developing the Great Allegheny Passage Trail through McKeesport, helping develop the RIDC Park at the former US Steel National Tube Works Site and serving

as Chairman on McKeesport Housing Authority. Mayor Brewster is an individual who truly cares about the community in which he lives. This is not only shown in his every day work as Mayor but in his involvement with various community organizations. He can be seen one day giving a Proclamation to an elderly veteran who organizes the local Flag Day Ceremony and the next doing his nightly drives around the City attempting to deter unacceptable behavior from citizens, the next attending worship services at the local churches, the next attending a local task force meeting and yet the next meeting with local, state and federal officials in attempts to bring employment opportunities to McKeesport."

Mr. Moss said at this time he would like to congratulate Mayor Brewster and ask him to come forward. He said this is a plaque from the Pennsylvania State Mayor's Association for Mayor of the Year 2010 for his distinguished and meritorious service and community leadership presented to Mayor Jim Brewster.

- Mayor Brewster said this is the second time they gave this to him because no one would believe they gave it to him the first time. He said that was after Annette wrote all those lies. He said he has to say that since this has happened, they are trying to demote him to Senator ... so they are trying to deal with that whole issue. He said he does want to take the time ... because there are so many people here tonight and they have some promotions they are passing out and proclamations ... he wants to draw attention to his Council, Controller and his Department Heads

who are here tonight. He said one of the things he has a chance to reflect upon is that everything they have done and he has gotten credit for personally, could not have been done without the support of all the Council people, all the Department Heads and the Controller. He said as they probably know in the back room, they challenge each other quite a bit and disagree a lot but at the end of the day, they end up where they are suppose to be for the 24,000 people in McKeesport. He said they have their Task Force people here tonight ... Dale, Billy, Dee and others. He said there are also some business people here. He said they have a great City. He said it is nice for him to get this but it is really a reflection of what all of them have done. He said it is also a reflection of where they are in the journey because they are only halfway there. He said if they get too excited ... they can thank the three Mayors for coming but they have a lot to do and a lot to do together. He said he hopes they receive more awards after he is gone based on what they do today and what they do tonight. He said they have some important legislation tonight to vote on. He said they always have to keep in mind that they represent people. He said their personal agendas and in the presence of other Mayors, they will tell you, you get the calls about the potholes and the snow, that at the end of the day, their job is to improve the quality of living for the people they represent. He said their personal feelings are really irrelevant. He said all that does is break ties. He said the decisions they make really do have an impact on people. He said he wants to thank the police department, the fire department, the CD

department, public works and all of Council because all too often they don't get enough credit and he has to brow beat them and they get mad at him and then he has to kiss them and make up. He said he does want to draw attention to them. He said Mr. McLaughlin looks like he is actually believing all this.

- Mr. Segina said he didn't realize he was going to kiss him.
- Mr. McLaughlin said he was afraid he was going to kiss him like Darryl said but he has been with him too long to believe it.
- Mayor Brewster said he does want to draw attention to his Council because as they know without their support, he could not have done all of this crazy stuff that they do. He said he wants to thank them on behalf of the City and on behalf of his family. He said his wife, Linda, is here tonight and she has tolerated his nonsense.
- Mayor Moss said it was an honor to drive down here tonight from Wilkes-Barre Scranton and it was very nice.
- Mayor Brewster said they had lie to him to get him up there when they sent him up there for the award. He said thank you very much. He said they are going to have a little reception at Luciano's and they are going to have the Mayors and Mrs. Moss over there as long as they don't argue with him at the meeting.

MAYOR'S REPORT:

- Mayor Brewster said he would like to acknowledge and welcome State Representative Bill Kortz who is in the audience this evening. He said there are also some personnel changes that they are making tonight. He said Darryl also requests that they bring people to the meeting and he would like to try and do that at least once before he leaves. He asked the Chief to bring the personnel up to the front of the room.
- Police Chief Washowich introduced Lieutenant Hanna, Detective Halaczynski, and Sergeant Tim Bliss. He said as Council is aware, they had some vacancies in the Department concerning rank and file. He said he made suggestions to the Mayor's office and the Personnel Committee concerning promotions. He said thank you very much for the approval.
 - Mayor Brewster said Lieutenant Hanna is now going to be Captain Hanna.
 - Chief Washowich said right, Lieutenant Hanna congratulations is now Captain Hanna. He said Detective Halaczynski is now Detective Sergeant Halaczynski and Sergeant Bliss is now Lieutenant Bliss.
 - Mayor Brewster said with the dog. He said these men are known to all of them and they have worked very hard. He said for the past year they have not filled some of these vacancies. He said they have lost Chief Pero and Chief Tedesco and some good quality people and he thinks he made the comment that guys are going to have to prove themselves and someone heard that. He said it looks like they are in the process of proving themselves and these gentlemen have done that. He said he wants to thank them for the hard

work they have done and the leadership they are going to provide in the future.

- Mr. McLaughlin said congratulations.
- Mayor Brewster said he has some appointments. He said it is that time of year again. He asked Chief Washowich not to go anywhere. He said he would like to ask for a motion to appoint B.J. Washowich to the Ambulance Authority to replace Dennis Pittman. He would like a motion to appoint Bill Lynn and LuEthel Nesbit to the Housing Authority, reappoint Stu Wilson to the Redevelopment Authority, and appoint Tim Solarczyk to the Zoning Hearing Board. He said he would like everyone to stand so that Council could see who each of them are and ask Council for a motion to appoint each of them to their respective positions on their boards.

MOTION: Mr. Segina moved, seconded by Mr. Cherepko, "To appoint B.J. Washowich to the Ambulance Authority to replace Dennis Pittman; William Lynn to the Housing Authority to replace John Fazio; LuEthel Nesbit to the Housing Authority to replace Jim Brown; reappoint Stu Wilson to the Redevelopment Authority; Tim Solarczyk to the Zoning Hearing Board to replace Gary Dailey."

RC-3 YEAS: TEDESCO, WALKER, DELLAPENNA,
McLAUGHLIN, CHEREPKO, SEGINA, DIGGS 7

NAYS: NONE..... 0

- Mayor Brewster said he would like to introduce Chief Washowich's wife, Annie. He said they have to know who she is. He said he will go through his report very

quickly because they have to go to the reception afterwards. He said if these Mayors are going to drive that far, he thinks they should show them their classy town although he thinks they already know that by the audience tonight.

- Mayor Brewster said he does want to say that Darryl left them in good shape for International Village so they continued what Darryl started, what he had been doing and they had three great days of weather. He said that was really the true test.
- Mr. McLaughlin said he asked all the ministers to pray for no rain because normally when Jim plans something it pours down rain.
- Mayor Brewster said they will have a financial report.
- Mr. Segina said those booths, that is their big money maker for the year and he is glad it happened.
- Mayor Brewster said he thanks Darryl for his leadership and they simply continued what he had been doing. He said there were a few minor changes. He said they plan on having the financial report for him at the October meeting. He said he thinks Dennis has a gross number.
- Mr. Pittman said they have the revenue side of the report because they have all the deposits. He said all the vendors and some of the providers don't have all the expenses in. He said on the revenue side, the gross number is \$77,257.39.
- Mayor Brewster said what they will do is a report similar to what Darryl had done in the past and they are going to have some fully loaded expenses in there which really are irrelevant to the gross numbers but

they really want to show the public that it is not free and it does cost the City some money. He said it is a great event and it was well attended. He said the only minor change they made was with parking and they did not have the fireworks because when they have people laid off he thought they should defer that. He said they actually had people step up who said they were willing to pay for the fireworks next year. He said they would probably have the fireworks next year.

- Mayor Brewster said Fifth Avenue is going fine. He said they should be done with it by the Christmas parade. He said the benches and the light posts are the next things to go up. He said it is really going to look very nice. He said Darryl has been talking about trying to get some new Christmas decorations. He said he is very proud of Fifth Avenue. He said the paving started today on West Fifth Avenue.
- Mr. Pittman said Bethany has good news.
- Mayor Brewster said West Fifth Avenue is going very well. He said the demolition continues and they are very happy with the way that is going. He said they are trying to remove so much of this blight. He said because it is confidential on the developer's side, they have at least three very nice sized businesses that they hope they can talk about in October and they will be very, very happy with them. He said it could mean a lot of jobs. He said he is anxious to tell them about one in particular but he knows he can't do it so he knows he will have to wait four weeks until October. He said they just met this morning. He said Friday morning there will be another announcement at a business down on Lysle Boulevard which serves hamburgers. He said he will stop now and if

anyone has any questions for him, he will be happy to answer them.

- Mr. McLaughlin said congratulations.
- Mayor Brewster said thank you Rege and thank you for your support.
- Mr. Pittman asked Bethany to speak.
- Community Development Director Bethany Bauer said they had a meeting with PennDot this morning and they have approved the continuation of the West Fifth Avenue Project. She said the scope of the work originally stopped at Marathon Oil and they have approved extending that job to the Mansfield Bridge, which will then match up with the County's work on the Mansfield Bridge. She said they have also approved including a traffic signal within the scope of the Hometown Streets project, which is huge for the City.
- Mayor Brewster said since Bethany brought it up ... all the hoop-de-la about these meetings that occur and he thinks he told Pat Korman that they thought at the end of the day that they would have a solution for that. He said that is what he was referring to. He said he wants to acknowledge that without Bill Kortz, Marc Gergely, and Sean Logan's support they would have never gotten the million dollars to do West Fifth Avenue. He said he was just hoping and praying they would have a little more than they needed to do down to the bridge and it all worked out with all the attention that the rails got. He said it is going to be a beautiful road and go right into the bridge. He said as they start the bridge repair, they will have a great roadway coming across the bridge to West Fifth Avenue then onto Fifth Avenue. He said they are real pleased with the way it is going. He said it is great for the Chamber of Commerce. He

said when businesses want to locate here, they have to dress themselves up and they talk about that an awful lot. He said he thinks Mr. Tedesco has a comment too which is a very important point to make. He said he is done.

COUNCIL REPORTS:

- Mr. Tedesco said to follow up on what the Mayor was saying, he doesn't know if Mr. Shermenti can help them out on this. He said when they are coming off of the Duquesne Bridge, there is a patch of land when they are coming into the City and right now it looks terrible. He said for people coming into the City all they see is garbage and weeds and it makes the City look terrible.
- Mr. Shermenti said he has made seven phone calls to the State over the last two months regarding Walnut Street which is Route 48, 148 and the corridor around the Duquesne Bridge to get the grass cut in those areas. He said the City has been trash picking all of the areas. He said they do not have the equipment to cut it. He said it is the State's property, they are supposed to maintain it and it has been ignored. He said he also has four metal plates on Walnut Street that he has called the State about because Walnut Street is sinking. He said he is not having any luck.
- Mayor Brewster said he did not plan this but Bill Kortz is here and is listening so it will either be him or the next Senator. He said someone has to tell these guys.
- Mr. McLaughlin said is Bill taking notes.
- Mr. Shermenti said the City needs help because it is deplorable. He said he knows they have a homeless

person living up there under the bridge and he vacated him three or four times.

- Mr. Segina said is this something that they could do for the State and bill them for the work.
- Mayor Brewster said he thinks what they will do ... Bill is taking notes and he will get with Bill a little later and they will make a phone call. He said he thinks what is going on is that the State is like McKeesport. He said they are understaffed and there is no money and it is just a matter of prioritizing what they do. He said just to respond to Councilman Tedesco's comments, the hospital has brought that up to them several times and they are also concerned about it because they have people coming into McKeesport. He said it is a little embarrassing and that is not the only corridor. He said they will try to make a phone call and then they will try to address the issue.
- Mr. Shermenti said the City doesn't have the equipment to do it. He said they actually need a flow mower with backhoes ... it is specialty equipment.
- Mr. Segina said they shouldn't have to do it.
- Mayor Brewster said it has gone to the point now that it can't even be cut anymore. He said they will follow up.
- Mr. Pittman said maybe as not a short-term, but a long-term solution, Arthur Demaco from the Western Pennsylvania Conservancy will have a site plan for that very area so that in the future in 2011 they will have a Welcome to McKeesport Western Pennsylvania Conservancy Garden in there. He said they won't get it done now but it won't be a problem like that again next year. He said that plan will be brought to Council to review and approval at the October meeting.

- Mr. Tedesco said another thing he has ... he asked if Jason Togyer was present. He said he read Jason Togyer's article about the nation of McKeesports. He said he doesn't agree with everything Jason had in it but Jason definitely hit the nail on the head. He said if anyone here can go online to Jason's site and read what he said about the loss of manufacturing jobs and how much that hurt the area in exchange for service industry jobs. He said Jason really hit the nail on the head and people should really read that article.
- Mayor Brewster said Jason wrote a good book and he was featured at the Heritage Center last week and they are very proud of what he has done in the book on G.C. Murphy's. He said Jason is going to get embarrassed here. He said Jason was the keynote speaker at the Heritage Center. He said he is very appreciative of the attention Jason has given the City. He said they take all of these things for granted. He said there was a nice crowd, a couple of bus loads from Westmoreland County came down and were all excited about the former G.C. Murphy. He said this is something they take for granted because it has been there and they are used to it. He said thank you to Jason for his work.
- Ms. Walker said first she wants to congratulate the Mayor on his well-deserved award. She said the Mayor puts a lot of work into this City and he does a lot for the City. She said she wants to put that on the record and state that she will continue to support the Mayor and go for his direction when it comes to Bill #60 regarding Penneco and the drilling. She said she still has some concerns as far as safety, danger and specifically the lease but some of her questions were answered tonight. She said she is going to be a team player and put her faith in the Mayor and this Council because a lot of those things were in play before she got there. She said

she will put her faith in the Mayor because he definitely does a lot for the City.

- Mayor Brewster said thank you Fawn, he appreciates it.
- Mr. McLaughlin said thank you Fawn.
- Mr. Dellapenna had nothing to report.
- Mr. Segina said first he would like to reiterate what he said last night at the caucus meeting and that is that the water authority is not properly patching the holes they make in the streets when they put in their water lines. He said there is a patch not directly in front of his house but near it that is about five years old plus one about two months old down the block and it is so conspicuous. He said it is right in the middle of the intersection. He said since it is under ordinance that they should be doing this, he thinks they should make a phone call to the water authority and get them out there to correct these conditions before these streets deteriorate and they end up pulling up all the brick and paving them. He said it is something that has been ongoing for years and has not stopped yet. He said he thinks they have the gas company under control and now they have to get the water authority under control. He said they complained about the rates they had to do business as far as opening up the holes and it is time now that they follow through on their end of it and make sure those holes are properly filled. He said the other thing is that they are now going into their fourth quarter. He said he is glad that the Mayor mentioned about reviewing the financial conditions. He said this is also when the farmers sow their harvest. He said now the fruits of labor are coming about and the Mayor is going to hopefully have some good news for them or some news that will enable them to get through this last three months of the year. He said it is very crucial to this town and a lot will happen in the following year based

on what they do this year. He said he also wanted to congratulate the Mayor but he hasn't done anything yet until he gets State Senator of the Year.

- Ms. Diggs said she wanted to congratulate the Mayor on his award. She said they have had their differences but they are going to let those go.
 - Mayor Brewster said they always do, don't they.
- Mr. Cherepko said while they are congratulating everyone he would like to personally congratulate each of the police officers, Tim Hanna, Tim Bliss and Chris Halaczynski, for the jobs that they do and how they represent the City. He said they discussed some of the board appointments. He said he wanted to take this chance to thank all of the volunteers and the key here is volunteers. He said they truly are assets to the City of McKeesport. He said whether they are on a board or part of the numerous National Night Outs that were planned throughout the City or Rally in the Valley or Community Days or International Village. He said these are all things that he thinks often times are taken for granted and these people truly put in exhaustive efforts to make those things successful and he personally wanted to thank them for their time for those.
- Mr. McLaughlin said the only thing he has is that he wanted to bring everyone up to date on the Municipal Authority. He said they put a bid in on the Duquesne Municipal Authority. He said they are going through negotiations now and everything is working smoothly. He said hopefully and they will keep their fingers crossed and they will get their plant. He said hopefully the Duquesne Council and Mayor will make the decision and let them know very soon. He said they are hoping it happens by November 2010. He said that would be another Authority they would bring into the City to help move them along. He said also they are very close to an

agreement in the talks with the Dravosburg Plant. He said there are just a few small items they have to work out and hopefully they will do that by January 1, 2011. He said the Elizabeth Buena Vista Plant will be shutting down pretty soon and their flow will be sent to the McKeesport Authority. He said they hope that flow gets to the Municipal Authority by 2013. He said the Municipal Authority is expanding. He said they are going through a \$28 million expansion project within the plant shortly for the DEP and the Act 537.

- Someone asked how much is the expansion.
- Mr. McLaughlin said it is a \$28 million project.

CITIZENS IN THE AUDIENCE:

- **CASSANDRA KOTROZO, 504 31ST STREET, McKEESPORT, PA.** Ms. Kotrozo said good evening to Council and congratulations to the Mayor Brewster. She said she has come to address Council this evening on behalf of herself, her husband and her neighbors, Mr. and Mrs. Ed Pietrzak at 500 31st Street and Mr. and Mrs. John Gomez at 514 31st Street. She said the property that adjoins Mr. Gomez's property, his next door neighbor, has a truck on his property that has been sunken in the soil for at least ten years that she knows of. She said it is sunken into the soil all the way up to the wheel wells.
 - Mr. McLaughlin said it doesn't matter but is it front or back.
 - Ms. Kotrozo said it is the whole truck.
 - Mr. McLaughlin said no, he is asking whether it is the front or back of the property.
 - Ms. Kotrozo said it is the front of the property and the house is at the rear. She said she reported this herself

about two years ago and Officer Lopretto was trying to work with her on this but he was not able to get that accomplished. She said since then the gentleman has passed away and she doesn't know who owns the property but the truck has trees and rodents coming out of it and there are kids all over it and thank God kids are moving into Christy Park but she is here to request that the Police Department truly address this immediately. She said that truck needs to be removed. She said further that property has not been occupied for a year and a half at least and it is now a fire hazard. She said if that house catches on fire, then the whole block will be gone.

- Mayor Brewster said who was the owner.
- Ms. Kotrozo said the gentleman's name was John but she did not know too much about him.
- Mayor Brewster said they will find out who owns it and look into it.
- Ms. Kotrozo said the address is 516 31st Street. She said thank you very much and congratulations.

TABLED BILLS:

BILL #160: A RESOLUTION OF THE CITY OF McKEESPORT, ALLEGHENY COUNTY, PENNSYLVANIA, AUTHORIZING THE PROPER CITY OFFICERS TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF ALLEGHENY FOR THE REHABILITATION OF THE MANSFIELD BRIDGE.

Mr. McLaughlin said Bill #160 will remain on the Table.

BILL #49: A RESOLUTION OF THE CITY OF McKEESPORT, ALLEGHENY COUNTY, PENNSYLVANIA, APPROVING A

ZONING APPLICATION FOR A CONDITIONAL USE AND SITE PLAN APPROVAL TO CONSTRUCT AN ELEMENTARY/INTERMEDIATE SCHOOL AT THE FORMER PALKOVITZ PROPERTY AT THE END OF EASLER AND ALLISON STREETS, McKEESPORT, PA.

Mr. McLaughlin said Bill #49 will remain on the Table.

NEW BUSINESS:

ORDINANCE #10-11 – BILL #59: AN ORDINANCE OF THE CITY OF McKEESPORT, ALLEGHENY COUNTY, PENNSYLVANIA, VACATING A PORTION OF OLD LONG RUN ROAD SITUATE IN THE TWELFTH WARD OF THE CITY OF McKEESPORT, BEGINNING AT THE EASTERLY RIGHT OF WAY LINE OF MARSHALL DRIVE/MARSHALL DRIVE EXTENSION; THENCE IN A NORTHEASTERLY DIRECTION TO THE WESTERLY RIGHT OF WAY LINE OF LONG RUN ROAD (SR 0048) HAVING A LENGTH OF 776 FEET MORE OR LESS CONTAINING AN AREA OF 27,147 SQUARE FEET MORE OR LESS.

MOTION: Mr. Cherepko moved, seconded by Mr. Dellapenna, "To adopt Bill #59."

RC-4 YEAS: TEDESCO, WALKER, DELLAPENNA,
McLAUGHLIN, CHEREPKO, SEGINA, DIGGS 7

NAYS: NONE..... 0

ORDINANCE #10-12 – BILL #60: AN ORDINANCE OF THE CITY OF McKEESPORT, ALLEGHENY COUNTY, PENNSYLVANIA, AUTHORIZING THE PROPER CITY OFFICERS TO ENTER INTO A LEASE AGREEMENT WITH PENNECO PIPELINE CORPORATION FOR 26,995 ACRES

ALONG EDEN PARK BLVD. FOR THE PURPOSE OF DRILLING AND OPERATING FOR AND PRODUCING OIL, LIQUID HYDROCARBONS, ALL GASES, INCLUDING WITHOUT LIMITATION, NATURAL GAS, METHANE GAS, COALBED METHANE GAS, AND ALL CONSTITUENT PRODUCTS.

- Ms. Walker said they need to make sure they let the audience know that before there is any drilling there will be a public meeting. She said she thinks they should let people know that.

MOTION: Mr. Segina moved, seconded by Ms. Diggs, "To adopt Bill #60."

COMMENTS:

- Mr. Segina said this particular agreement ... there are a lot of words to it and he tried to read it himself as quickly and surely as he could but when lawyers draw up these agreements, the wherefores, the heretofore and the whereas become confusing after a while. He said he knows he did the best he could at reading it. He said he is satisfied with what they had in there and the corrections that were made. He said he is still not sure about what is going to occur physically on that piece of property but he is willing to go ahead with this particular agreement to get the ball rolling at least and lay this in the hands of the Mayor so that everything proper occurs regarding the neighborhood surrounding them. He said he thinks they all agreed that there is going to be a meeting giving the public the opportunity to make their remarks. He said he is not sure how they are going to vote on this. He said if this is approved, it is not the final element in this particular overall agreement. He said he just wanted to make that point. He said he doesn't want rumors and all kinds of hysteria to break out because they are approving this. He said they are on the right track. He said he feels it is a good thing for the

City because it is another revenue stream and he wanted that because they never got the video machines. He said this will be a good revenue stream for the City. He said it will really boost the budget to proportions they have never seen before. He said that is all he has to say.

RC-5 YEAS: TEDESCO, WALKER, DELLAPENNA,
McLAUGHLIN, CHEREPKO, SEGINA, DIGGS 7

NAYS: NONE..... 0

ORDINANCE #10-13 – BILL #61: AN ORDINANCE OF THE CITY OF McKEESPORT, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING ORDINANCE #94-28 TO ADD SUBSECTION 6 PROVIDING FOR ADMINISTRATIVE RULES ASSOCIATED WITH THE IMPLEMENTATION OF ACT 77 IN THE CITY OF McKEESPORT AND ADDING SECTION 7.

MOTION: Mr. Segina moved, seconded by Ms. Diggs, "To adopt Bill #61."

RC-6 YEAS: TEDESCO, WALKER, DELLAPENNA,
McLAUGHLIN, CHEREPKO, SEGINA, DIGGS 7

NAYS: NONE..... 0

RESOLUTION #2010-47 – BILL #62: A RESOLUTION OF THE CITY OF McKEESPORT, ALLEGHENY COUNTY, PENNSYLVANIA, APPROVING A REQUEST FROM LARRY A. BISHOP AND SHERRY M. GRUBB FOR A SUBDIVISION TO CREATE TWO LOTS ON PETERSON STREET, McKEESPORT, PA.

MOTION: Mr. Tedesco moved, seconded by Mr. Cherepko, "To adopt Bill #62."

RC-7 YEAS: TEDESCO, WALKER, DELLAPENNA,
 McLAUGHLIN, CHEREPKO, SEGINA, DIGGS 7

 NAYS: NONE..... 0

RESOLUTION #2010-48 – BILL #63: A RESOLUTION OF THE CITY OF McKEESPORT, ALLEGHENY COUNTY, PENNSYLVANIA, APPROVING A REQUEST FROM TOM CLARK FOR A SUBDIVISION OF PARCEL #554-G-200 CREATING TWO LOTS DEFINING MARSHALL DRIVE EXTENSION.

MOTION: Mr. Segina moved, seconded by Mr. Dellapenna, "To adopt Bill #63."

RC-8 YEAS: TEDESCO, WALKER, DELLAPENNA,
 McLAUGHLIN, CHEREPKO, SEGINA, DIGGS 7

 NAYS: NONE..... 0

RESOLUTION #2010-49 – BILL #64: A RESOLUTION OF THE CITY OF McKEESPORT, ALLEGHENY COUNTY, PENNSYLVANIA, APPROVING A REQUEST FROM TOM CLARK FOR A SUBDIVISION OF TOM CLARK PLAN OF LOTS NO. 2, SUBDIVIDING LAND NOW OR FORMERLY OF TOM CLARK CHEVROLET, INC., CREATING TWO LOTS AND ENCOMPASSING A PORTION OF THE VACATED PORTION OF OLD LONG RUN ROAD, LOCATED IN THE 12TH WARD OF THE CITY OF McKEESPORT.

MOTION: Mr. Segina moved, seconded by Mr. Tedesco, "To adopt Bill #64."

COMMENTS:

- Mr. Segina said he would like to say that this is the beginning. He said these two bills that are just the beginning of hopefully some new commercial business along Route 48 out there next to Tom Clark. He said Tom has been a good neighbor to the City of McKeesport and in fact their largest employer probably and now these two lots that they will be subdividing for him may result in the development of commercial business up there. He said he wanted to give Tom Clark a lot of credit for being faithful to the City.
- Mr. McLaughlin said he echoes what Mr. Segina is saying.

RC-9 YEAS: TEDESCO, WALKER, DELLAPENNA,
McLAUGHLIN, CHEREPKO, SEGINA, DIGGS 7

NAYS: NONE..... 0

RESOLUTION #2010-50 – BILL #65: A RESOLUTION OF THE CITY OF McKEESPORT, ALLEGHENY COUNTY, PENNSYLVANIA, APPROVING A ZONING APPLICATION FOR A CONDITIONAL USE IN A C-3 ZONING DISTRICT TO OOPERATE A CARPET WAREHOUSE, NO RETAIL SALES, AT 1413 LYSLE BLVD., McKEESPORT, PA.

MOTION: Mr. Tedesco moved, seconded by Mr. Cherepko, "To adopt Bill #65."

RC-10 YEAS: TEDESCO, WALKER, DELLAPENNA,
McLAUGHLIN, CHEREPKO, DIGGS..... 6

NAYS: NONE..... 0

ABSTAIN:SEGINA 1

RESOLUTION #2010-51 – BILL #66: A RESOLUTION OF THE CITY OF McKEESPORT, ALLEGHENY COUNTY, PENNSYLVANIA, RATIFYING THE TWIN RIVERS COUNCIL OF GOVERNMENTS ENTERING INTO AN AGREEMENT WITH BETTERS CONTRACTING FOR NEIGHBORHOOD STABILIZATION PROGRAM – DEMOLITION IN THE CITY OF McKEESPORT IN THE AMOUNT OF \$63,400.00.

MOTION: Mr. Segina moved, seconded by Mr. Cherepko, "To adopt Bill #66."

RC-11 YEAS: TEDESCO, WALKER, DELLAPENNA,
McLAUGHLIN, CHEREPKO, SEGINA, DIGGS 7
NAYS: NONE..... 0

RESOLUTION #2010-52 – BILL #67: A RESOLUTION OF THE CITY OF McKEESPORT, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING RESOLUTION NO. 2001-79 TO PROVIDE FOR THE EXTENSION OF THE HOME CONSORTIUM AGREEMENT BETWEEN THE MUNICIPALITY OF PENN HILLS, THE CITY OF McKEESPORT AND ALLEGHENY COUNTY FOR ADDITIONAL SUCCESSIVE THREE YEAR TERMS ACCORDING TO THE TERMS CONTAINED HEREIN.

MOTION: Mr. Segina moved, seconded by Mr. Tedesco, "To adopt Bill #67."

RC-12 YEAS: TEDESCO, WALKER, DELLAPENNA,
McLAUGHLIN, CHEREPKO, SEGINA, DIGGS 7
NAYS: NONE..... 0

AMEND THE AGENDA:

MOTION: **Mr. Segina moved, seconded by Ms. Diggs,
"To amend the Agenda to include Bill #68."**

RC-13 YEAS: TEDESCO, WALKER, DELLAPENNA,
 McLAUGHLIN, CHEREPKO, SEGINA, DIGGS 7

 NAYS: NONE..... 0

**RESOLUTION #2010-53 – BILL #68: A RESOLUTION OF
THE CITY OF McKEESPORT, ALLEGHENY COUNTY,
PENNSYLVANIA, APPROVING AN AGREEMENT WITH
ALLEGHENY COUNTY CONCERNING SNOW REMOVAL ON
EDEN PARK BOULEVARD AND O'NEIL BOULEVARD.**

MOTION: **Mr. Segina moved, seconded by Ms. Diggs,
"To adopt Bill #68."**

RC-14 YEAS: TEDESCO, WALKER, DELLAPENNA,
 McLAUGHLIN, CHEREPKO, SEGINA, DIGGS 7

 NAYS: NONE..... 0

- Mr. Elash said first he needs to read a waiver. He said the City of McKeesport is seeking exemption from the potential conflict of interest provisions found in 570.611 of the Code of Federal Regulations in its Community Development Block Grant Program, the McKeesport Housing Corporation, and the Home Consortium Program for participation of Ms. Audrey Stinson of the City of McKeesport. He said it is the opinion of Counsel that there is no conflict of interest created by her participation in the program and that opinion is on file with the City Clerk. He said the second thing is that he needs a motion from Council.

- MOTION:** Mr. Cherepko moved, seconded by Mr. Segina, "To approve the language of the Fire Department Agreement as discussed in Executive Session."

- Mr. Elash said he also needs a motion to join with the TRCOG in hiring Cohen Law Group in relation to the negotiation of the extension of the cable franchise agreement. He said the cable franchise agreements are all expiring and the TRCOG is using Cohen Law Group to negotiate that collectively.
- Mr. Segina said so they are not going to have their own, they will be with the TRCOG.
- Mr. Elash said they will have their own but it will be negotiated collectively with all the other municipalities.
- Mr. Segina said then they will not have their own.
- Mr. Elash said each individual municipality will have their own agreement and will each have their own separate contract....
- Mr. Segina said it will be based on what they negotiated.

- Mr. Elash said they will end up getting more because of the umbrella because everyone is grouped together.

MOTION: **Mr. Tedesco moved, seconded by Mr. Dellapenna, "To approve joining with the TRCOG in hiring of Cohen Law Group for the negotiation of the extension of the cable franchise agreement ."**

RC-16 YEAS: TEDESCO, WALKER, DELLAPENNA,
 McLAUGHLIN, CHEREPKO, SEGINA, DIGGS 7

 NAYS: NONE..... 0

CONTROLLER'S REPORT:

- Mr. Malinchak said first he would like to congratulate the Mayor on his award even though he is not here. He said at least it will be on the record and on the tape. He said also he has a question for Mr. Elash. He said on the gas lease, there is an option on page 4 which he would assume is for the Renzie Park area which is tax map 462-F-73.
- Mr. Elash said yes sir.
- Mr. Malinchak said the question he has is whether Mr. Elash has had an opportunity to check the deeds and see if the City is permitted to explore for natural gas in Renzie Park.
- Mr. Elash said it is a very complicated question and he has not finished exploring that completely because the different parcels were donated at different times with different restrictions, however the option that is contained in the lease simply says that if they negotiate another lease with some other company somewhere else in the Park that they have a right to match it. He said they are paying the City for the option but there is no contemplated

- Mr. Malinchak said the question he has is why would they put an option in a lease where they are not even certain that they are legally permitted to drill on Renzie Park property because of the conditions of the deed. He said he will throw in another thing
- Mr. Elash said they were not the ones paying for it ... he said if they were willing to pay for that option, then why would they refuse the payment.
- Mr. Segina said that is not Renzie Park property where they are going to drill.
- Mr. Elash said it is a right of first refusal.
- Mr. Malinchak said it is 462-F-73. He said that is the one Mr. Segina was asking about.
- Mr. Segina said that is up around University Drive and all of that. He said that is not in that agreement is it.
- Mr. Elash said the lease agreement is for the 26 acres. He said the lease itself says that if they contract with some other company to drill anywhere in Renzie or any other places in Renzie Park, that they have a right of first refusal to pick that up. He said that no one is saying that anyone is going to drill anywhere else.
- Mr. Segina said that is okay but he doesn't want to see anyone drill in Renzie Park.
- Mr. Malinchak said that is the point he is trying to make that everyone is missing. He said does the deed permit them to drill there. He said this is the question he asked about two or three years ago.
- Mr. Segina said there is a covenant on the park.
- Mr. Elash said there are covenants on certain parcels.

- Mr. Malinchak said then why would they put it in there if they can't drill there.
- Mr. Pittman said can he answer the question. He said \$7,500.00.
- Mr. Malinchak said pardon me.
- Mr. Pittman said that provision is worth \$7,500.00.
- Mr. Malinchak said it doesn't say that, it says they are getting \$10,000.00 for the 26 acres.
- Mr. Pittman said the original lease said \$2,500 but if they added that provision for which they never will use, they jumped it to \$10,000, and the City is \$7,500 richer.
- Mr. Malinchak said they agreed to that option not knowing whether the deed permitted the City to drill or not. He said that is incredible. He said furthermore, he doesn't think this lease is in the best interest of the City but that is his position which he wants on the record. He said on this tax map 462-F-70 containing 200 acres more or less, the actual acreage is 80 acres.
- Mr. Elash said pardon me.
- Mr. Malinchak said on the internet, the actual acreage of the 462-F-70 is 80 acres, 80.457 acres.
- Mr. Elash said that is not correct.
- Mr. Malinchak said the internet is incorrect or this is incorrect.
- Mr. Elash said the internet is incorrect.
- Mr. Malinchak said then he will get back to his point, why don't they have the deed and see what it says.

- Mr. Elash said when Ray says deed for Renzie Park, there is not one deed for Renzie Park there are probably 60 deeds for Renzie Park.
- Mr. Malinchak said there has to be a deed assigned to this tax plat number.
- Mr. Elash said he understands and that is the metes and bounds they use to describe their option, which once again he thinks if he really looks at it their option does not include the entirety of all those deeds in Renzie Park. He said there is nothing incumbent upon them to find out whether they can drill in Renzie Park because no one has any intention of drilling in the rest of Renzie Park. He said they just gave them that option so they would feel comfortable that they were not going to develop this site and then other companies were going to come in and drill in other places and take their opportunity away so they gave them the right of first refusal.
- Mr. Segina said he thinks that because it is something that he has in his mind too that Mr. Elash should review the covenants too just to be sure what they have out there in Renziehausen Park.
- Mr. Elash said the 26 acres that the lease is for is not part of Renzie Park.
- Mr. Segina said he understands that.
- Mr. Malinchak said he understands that.
- Mr. Segina said that but there is another property listed on the lease also and it doesn't make sense to him.
- Mr. McLaughlin said if they want to drill in Renzie Park they will have to come in front of them anyway and they will not let it happen.

- Mr. Tedesco said they are paying for it anyway. He said that doesn't make sense.
- Mr. Elash said they would have to do the research, determine they could drill, then get another company interested in doing it, then they would have a right to match it. He said they simply did that to get the extra money.
- Mr. Malinchak said the other point he wanted to make was one Mr. Segina raised was the noise. He said the lease is totally silent on whether the City is granting the company permission to put a compressor on site to run 24/7/365 as long as the well is producing. He said in most cases they may have to compress the gas to get it into a high pressure line. He said if they end up having noise coming from the compressor, they are totally silent, usually people are paying more to put a compressor on their property.
- Mr. Segina said that is why he feels they should have an open hearing on this even though they passed this.
- Mr. Malinchak said they already signed the lease, so its over. He said they already authorized the Mayor to sign it.
- Mr. Segina said it is their understanding that they are allowed to have a public hearing and there is an out on this.
- Mr. Elash said there is going to be a public hearing.
- Mr. Segina said he would like to see a public hearing with Penneco coming in here to assuage anyone who has these kinds of problems with what they are going to do up there. He said if it does not seem that this is in the best interest of the City or the residents up in that area then he for one will oppose it. He said he feels they do have an out because he heard Mr. Elash say it in the back.
- Mr. Elash said after they sign the lease, they have an obligation under the terms of the lease to abide by the

lease. He said they have the option to drill. He said they agreed that they would come and meet with the residents that had any questions on the operation before they drill and would have a hearing where those people could ask their questions and have a question and answer period. He said his indication at this point ... if he asked them to put things into the lease tomorrow ... they will be put in. He said they have been very reasonable. He said he is not quite sure where this is coming from ... this tension ... this is the first time anyone has made a comment about the lease and they can negotiate those items into the lease.

- Mr. Segina said as an afterthought, there is also a noise ordinance and a restriction on certain hours too. He said that might be our out on this.
- Mr. Elash that is for anywhere or anything that goes on in this City.
- Mr. Malinchak said the last point he would like to make and he knows that the Solicitor is going to disagree with him but that is nothing new. He said all of the leases that he has looked at and he has looked at a lot, because he is writing his own lease for his property. He said an addendum can be added to each lease. He said every company will insist that you use their lease but you can add an addendum that says all of the previous verbiage is null and void and here is what I want. He said you cannot write a lease yourself but have to piggyback on their lease. He said there is no verbiage there to protect you against damage. He said if there is an accident there is nothing mentioned about liability or indemnification. He said those are both typically mentioned in all of the other leases that he has seen. He said he can't understand how this Council would let that go through.
- Mr. Segina said Mr. Elash said in the back that falls under DEP and that they will protect the City as far as that goes

but if Mr. Malinchak would feel more comfortable, he would ask Mr. Elash to put the language in the lease so they can approve it at their next meeting and have it added on at the next meeting.

- Mr. Elash said no problem. He said someone should make a motion that they add indemnification language to the lease at this point since it has already been approved tonight.
- Mr. Malinchak said both, they want indemnification and liability.
- Mr. Cherepko said right, which Mr. Elash said there is no problem with adding both anyway.

MOTION: **Mr. Segina moved, seconded by Ms. Walker, "To add an addendum to the lease agreement with Penneco on the property in Grandview for indemnification and liability purposes."**

RC-17 YEAS: TEDESCO, WALKER, DELLAPENNA,
 McLAUGHLIN, CHEREPKO, SEGINA, DIGGS 7

 NAYS: NONE..... 0

- Mr. Malinchak recommended that Council approve the payment of bills in the amount of \$166,026.74.

MOTION: **Mr. Tedesco moved, seconded by Mr. Cherepko, "To approve payment of the bills in the amount of \$166,026.74."**

RC-18 YEAS: TEDESCO, WALKER, DELLAPENNA,
 McLAUGHLIN, CHEREPKO, SEGINA, DIGGS 7

 NAYS: NONE..... 0

ADJOURNMENT:

President of Council Regis McLaughlin adjourned the meeting at 8:00 p.m.

Respectfully submitted,

Patricia A. Williams
City Clerk and Clerk of Council

APPROVED:

Regis T. McLaughlin
President of Council

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